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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,489	04/09/2004	John Inch	70027180-0017	1424
26263	7590	11/30/2005		
SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,489

Applicant(s)

INCH ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-38 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32, 35-38, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 33, 34 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Miyabayashi et al. (US Patent 3,909,919).

Applicant, at pages 1-6 of the specification to be known as AAPA, discloses a welded field joint for connection of a first sink portion to a second sink portion, wherein different parts of a washing including having sink portions with generally flat sides are assembled onsite by joining two sections of the machine into a single unit by welding or bolting the sections together (page 6). Although the joint of AAPA is a welded joint, however joints wherein an edge located along an end of a generally flat side of a first metal sheet is surrounded by a lip extending in an outward direction from an edge of a second metal sheet are known as attested by Miyabayashi et al., see figures 1 and 2A. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used a non-welded joint as taught by Miyabayashi et al. in the field joint of AAPA, in order to avoid distortion associated with welding. Applicant should note that the recitation of the lip being formed before surrounding the edge of the first sink portion has not been given any patentable weight since it is a product-by-

process limitation. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985), MPEP § 2113.

3. Claims 30, 31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Miyabayashi et al. as applied to claim 29 above, and further in view of Takizawa et al. (US Patent 3,909,918).

With regards to claims 30 and 41, AAPA/Miyabayashi et al. discloses a non-welded joint for connection of a first sink portion to a second sink portion to form a single unit as shown above including a jog formed on the flat side of the first sink portion. Although AAPA/Miyabayashi et al. does not disclose the edge of the first sink portion comprising a hemmed edge, however Takizawa et al. teaches such hemmed edge in a non-welded joint connection, see column 3, lines 26-41 and figure 3C. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the edge of the first sink portion of AAPA/Miyabayashi et al. with a hemmed edge, in light of the teachings of Takizawa et al., in order to tightly grip the edge of the first sink portion between the edge of the second sink portion and firmly join the sink portions.

For claim 31, Applicant should note that locating the jog on the flat side of the second sink portion is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the jog located on the flat side of the second sink portion versus the flat side of the first sink portion as taught by AAPA/Miyabayashi et al.

4. Claims 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Janecek (US Patent 3,457,629).

Applicant, at pages 1-6 of the specification to be known as AAPA, discloses a method of connecting a first sink portion to a second sink portion to form a single unit, and a method of installing a pot and pan washing machine in a facility wherein different parts of a washing including having sink portions with generally flat sides are assembled onsite by joining two sections of the machine into a single unit by welding or bolting the sections together (page 6). Although AAPA does not disclose the sections being assembled by forming a lip in an edge of a flat side of one of the second sink portion and positioning the lip over an edge of the flat side of the first sink portion such that the flat side of the first sink portion is held in tight engagement with the flat side of the second sink portion, however it is known to connect edge portions of two flat sheets that have previously been connected by welding or mechanical fasteners by a lock joint comprising a folded edge portion of one member over an edge portion of the other member as attested by Janecek, see column 2, lines 11-16 and figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was

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made, to have joined the sink portions of AAPA in the manner taught by Janecek, in order to avoid distortion associated with welding.

5. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Janecek as applied to claim 32 above, and further in view of Adell (US Patent 3,401,486).

AAPA /Janecek discloses a method of connecting a first sink portion to a second sink portion as shown above except for placing a decorative trim piece between the first and second sink portions. However Adell teaches such decorative trim piece on joined portions, see column 1, lines 12-16 and column 3, lines 41-45. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have placed a decorative trim piece between the first and second sink portions of AAPA/Janecek, in light of the teachings of Adell, in order to ornament the edges of the sink portions. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately adhere the trim piece to the sink portions.

Allowable Subject Matter

6. Claims 33, 34 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 29-32, 35-38, 41 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571) 272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726